



FILED

DEC 29 2010

**SURFACE
TRANSPORTATION BOARD**

Eric M. Hocky
Direct Dial 215 640 8523
Email ehocky@thorpreed.com

228548

ATTORNEYS AT LAW SINCE 1895

VIA FEDERAL EXPRESS

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

December 28, 2010



Re: Western Kentucky Railway, LLC
- Exempt Abandonment -
Webster, Union, Caldwell and Crittenden Counties, Kentucky
STB Docket No. AB-449 (Sub-No. 3X)

Dear Ms. Brown:

Enclosed for filing please find the original and 10 copies of the Notice of Exempt Abandonment of Western Kentucky Railway, LLC. Also enclosed is our check in the amount of \$3600 representing the filing fee for this Notice.

Please time stamp the extra copy of the Notice to indicate receipt and return it to me in the self-addressed stamped envelope provided for your convenience.

Please let know if there are any questions about the filing. Thank you for your assistance.

Respectfully,

Eric M. Hocky

ENTERED
Office of Proceedings

DEC 29 2010

Part of
Public Record

EMH/e

Enclosures

cc: WKRL (by email; w/encl.)
All persons on service list (by mail; w/encl.)

FEE RECEIVED
DEC 29 2010
**SURFACE
TRANSPORTATION BOARD**

Pittsburgh
Philadelphia
Princeton
Wheeling

Thorpe Reed & Armstrong, LLP
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103-7041
215 640 8500
215 640 8501 Fax

FILED
DEC 29 2010
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TRANSPORTATION BOARD

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Office of Proceedings
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Public Record

Before the

SURFACE TRANSPORTATION BOARD

STB Docket No. AB-449 (Sub. No. 3X)

**WESTERN KENTUCKY RAILWAY, LLC
- EXEMPT ABANDONMENT -**

WEBSTER, UNION, CALDWELL AND CRITTENDEN COUNTIES, KENTUCKY

NOTICE OF EXEMPT ABANDONMENT

FEE RECEIVED
DEC 29 2010
SURFACE
TRANSPORTATION BOARD

ERIC M. HOCKY
THORP REED & ARMSTRONG, LLP
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103
(215) 640-8500
ehocky@thorpreed.com

Attorneys for
Western Kentucky Railway, LLC

Dated: December 28, 2010

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB-449 (Sub. No. 3X)

**WESTERN KENTUCKY RAILWAY, LLC
- EXEMPT ABANDONMENT -
WEBSTER, UNION, CALDWELL AND CRITTENDEN COUNTIES, KENTUCKY**

NOTICE OF EXEMPT ABANDONMENT

Western Kentucky Railway, LLC ("Applicant" or "WKRL") is seeking an exemption to abandon all of its remaining lines of railroad (the "Subject Lines") which Applicant believes are as follows:

- Between MP 48.0 at Dekoven and MP 62.5 at Blackford;
- Between MP 0.0 at Blackford and MP 3.8 at Pyro Wye and between MP 3.8 and MP 8.5 at Clay;
- Between MP 0.0 at Costain Prep Plant and MP 9.5 at Providence
- Between MP 0.0. at Costain Prep Plant and MP 5.5 at Caney Creek; and
- Wheatcraft loop track

There has been no local or overhead freight service on the Subject Lines since prior to 2005 when new management acquired control of the Applicant. *See Genesee & Wyoming Inc., RP Acquisition Company One and RP Acquisition Company Two—Control Exemption—Rail Partners, L.P., AN Railway, et al., Atlantic & Western Railway, et al., and KWT Railway, Inc., STB Finance Docket No. 34708 (served June 24, 2005).*

This Notice of Exempt Abandonment is being filed pursuant to the requirements of 49 C.F.R. §1152.50. In accordance with such requirements, Applicant hereby states as follows:

1. The exact name of Applicant is Western Kentucky Railway, LLC.

2. Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105. Applicant originally acquired the Subject Lines in Line in *See Western Kentucky Railway, LLC – Acquisition and Operation Exemption – Rail Lines of Costain Coal, Inc. and Tradewater Railway Company*, ICC Finance Docket No. 32641, 60 FR 4193 (January 20, 1995).

3. The relief sought is the abandonment of all of Applicant's remaining lines of railroad which Applicant believes are as follows¹:

- Between MP 48.0 at Dekoven and MP 62.5 at Blackford;
- Between MP 0.0 at Blackford and MP 3.8 at Pyro Wye and between MP 3.8 and MP 8.5 at Clay;
- Between MP 0.0 at Costain Prep Plant and MP 9.5 at Providence
- Between MP 0.0. at Costain Prep Plant and MP 5.5 at Caney Creek; and
- Wheatcraft loop track

4. A detailed map of the Subject Lines is attached hereto as Exhibit A. More detailed topographic maps were included in the HER.

¹ A description of the acquisitions and previous abandonments of rail lines of Applicant is set forth in Section 5 of the Historic Report Section of the Environmental/Historic Report filed with the Board on December 6, 2010 (the "EHR"). The intention is to abandon all of Applicant's remaining lines, even if some are inadvertently not included in these line descriptions.

5. The representative of Applicant to whom correspondence should be sent is:

Eric M. Hocky, Esquire
THORP REED & ARMSTRONG, LLP
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103
(215) 640-8500
ehocky@thorpreed.com

6. The Subject Lines traverse United States Postal Service ZIP Codes 42459, 42604, 42404 and 42450.

7. Applicant believes that the right of way, or portions thereof, may be suitable for trail use or other public purposes. Information in Applicant's possession regarding any restrictions on title will be made available by Applicant on reasonable request.

8. Applicant proposes to consummate the abandonment on or after February 17, 2011.

9. Applicant certifies that:

(a) No local or overhead traffic has moved over the Subject Lines since prior to 2005, a period of more than five years. Because these are not "through lines," there was no overhead traffic on the Subject Lines.

(b) No formal complaint by a user of rail service on the Subject Lines, or a state or local government entity acting on behalf of such user, regarding cessation of service over the Subject Lines either is pending with the Board or any U.S. District Court, or has been decided in favor of the complainant within the two year period.

10. Applicant has not had any employees since before new management took over in 2005, and therefore no employees will be affected by the proposed abandonment. Further, Applicant is abandoning the remainder of its lines of railroad. In cases involving entire

line abandonments, the Board will normally not impose employee protection under 49 U.S.C. §10502(g) unless there is a (1) corporate affiliate that will continue substantially similar operations; or (2) a corporate parent that will realize substantial benefits over and above relief from deficit operations. See *Honey Creek Railroad, Inc. – Abandonment Exemption – In Henry County, IN*, STB Docket No. AB-865X (served August 20, 2004); *Northampton and Bath Railroad Company – Abandonment Near Northampton and Bath Junction in Northampton County, PA*, ICC Docket No. AB-187 (Sub-No. 1), 354 ICC 784 (1978). In this instance, neither an affiliate of Applicant, nor its corporate parent, will be conducting similar operations over or near the abandoned lines, and Applicant's corporate parent will not be receiving any benefits other than being relieved of the burden of holding on to non-operating property. Accordingly, Applicant requests that no employee protection be imposed.²

11. Applicant filed an Environmental/Historic Report with the Board on December 6, 2010. Applicant is providing supplemental information regarding responses received since the original Report was filed, in a letter being filed electronically with the Board on the date of this Notice of Exemption.

12. Applicant has complied with the notice requirements of 49 C.F.R. §1105.11. Notice of the proposed abandonment was published in The Providence Journal Enterprise and The Times Leader on December 8, 2010 and in The Crittenden Press on December 9, 2010. Because of a miscommunication with the newspaper, the notice of the proposed abandonment that was to run in the Union County Advocate at the same time, will not run until December 29, 2010. Copies of the proofs of publication received to date are attached as Exhibit B. The

² Applicant recognizes that if this were not an entire line abandonment, then this abandonment would be made subject to the employee protective conditions in *Oregon Short Line Railroad Co.--Abandonment--Goshen*, 360 I.C.C. 91 (1979).

{01194267}

additional proofs of publication will be submitted on receipt.

13. Applicant has complied with the notice requirements of 49 C.F.R. §1152.50(d)(1). Copies of the notices dated December 7, 2010, sent to governmental agencies are attached hereto as Exhibit C.

For the reasons set forth above, the Board should find that Applicant's proposed abandonment satisfies the exemption requirements of 49 C.F.R. §1152, and should issue the appropriate notice.

Respectfully submitted,



ERIC M. HOCKY
THORP REED & ARMSTRONG, LLP
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103
(215) 640-8500

Attorneys for
Western Kentucky Railway, LLC

Dated: December 28, 2010

VERIFICATION

I hereby verify on behalf of Western Kentucky Railway, LLC, under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on December 27, 2010.

A handwritten signature in black ink, appearing to read "Gerald T. Antle", written over a horizontal line.

Name:

Title: President - WKRL

EXHIBIT A - MAP

REGION 11

KY/TN

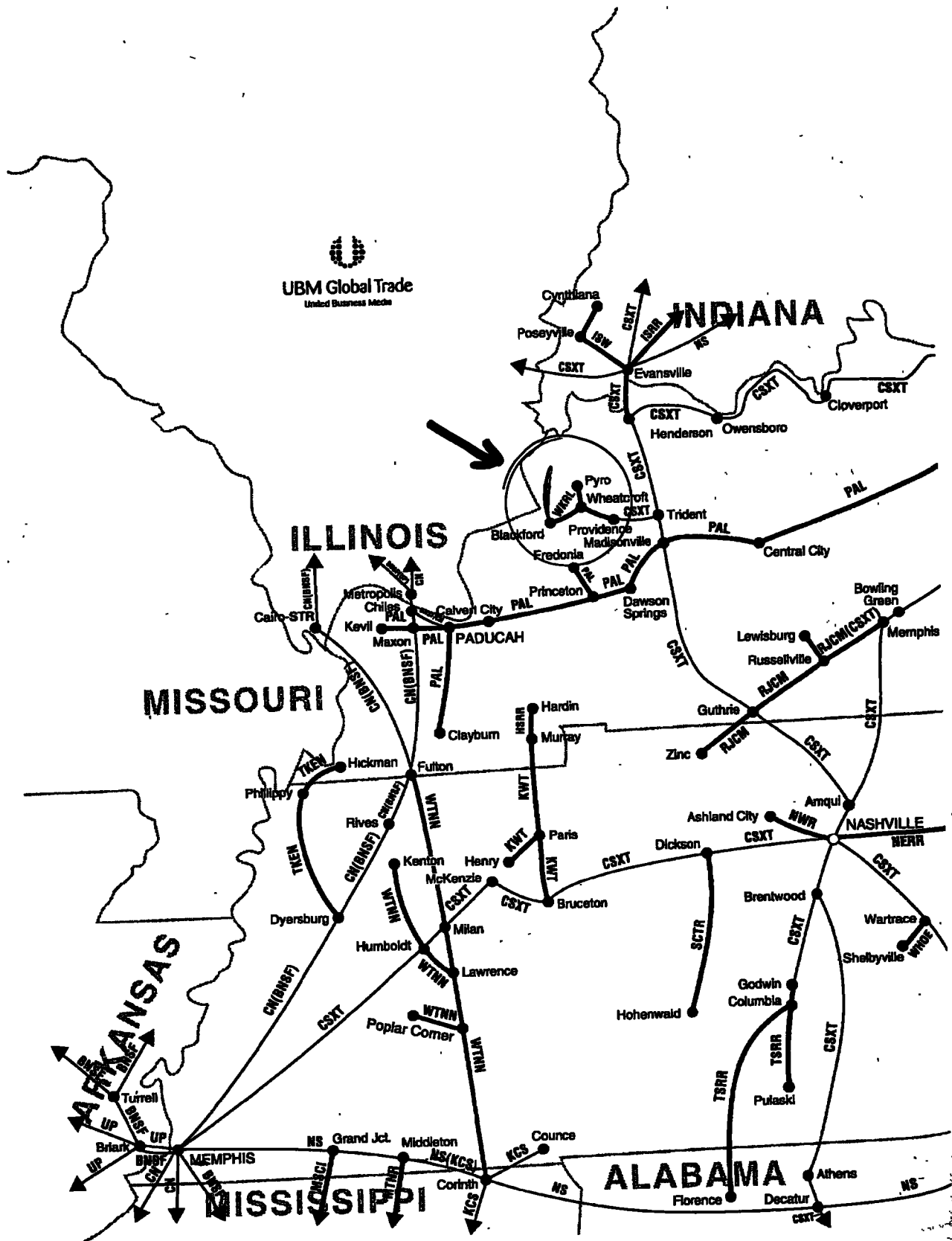
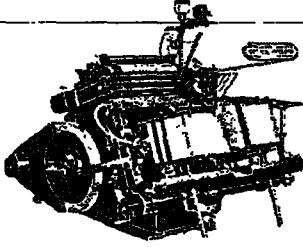




EXHIBIT B – NEWSPAPER NOTICES



The Crittenden Press


Published continuously in Marion, Kentucky since 1879

AFFIDAVIT OF PUBLICATION

I, Christopher T. Evans, A Notary Public for the Commonwealth of Kentucky, County of Crittenden, on this, the 17th day of December, 2010, do hereby certify that the attached notice or advertisement for:

Western Kentucky Railway, LLC
Re: Notice of Intent to Abandon Rail Service

was published in The Crittenden Press, a newspaper of general circulation in Marion, Kentucky, December 9.



Chris Evans
Notary Public
Crittenden County, Kentucky
Commission Expires: February 25, 2012

Classifieds

11

Thursday, December 9, 2010

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WARNING - NO TRESPASSING

Western Kentucky Railway, LLC ("WKRL") has given notice of its intent to seek authority from the Surface Transportation Board to abandon its rail lines in Webster, Union, Caldwell and Crittenden Counties, Kentucky.

The rail lines have not been abandoned and all property, including the track and other materials located on the lines remain the property of WKRL. TRESPASSING IS NOT PERMITTED.

WKRL will seek to have anyone found trespassing or illegally removing materials from its property prosecuted to the full extent of the law.

If you become aware of trespassing or theft of railroad materials, call Karla Gurton or Hoffman Lijeron at WKRL. Karla Gurton: Office: (731) 642-7942 Cell: (731) 336-4280. Hoffman Lijeron: Office: (904) 596-1084 Cell: (904) 303-5176

junction with KY Hwy 923 and located just west of Adamson Branch.

The bond now in effect for increment 2 and 3 are sureties with Lexon Insurance Company for \$157,200, \$123,500 and \$91,000, respectively. Approximately 60 percent of the original bond amount is included in the application for release.

Reclamation work performed includes. All seeding, backfilling, and grading, has been completed and the area is suitable for its intended post-mining land use in accordance with the approved reclamation plan. A planting report for the area has been submitted to the Department.

This is the final advertisement of the application. Written comments, objections, and requests for a public hearing or informal conference must be filed with the Director, Division of Field Services, #2 Hudson Hollow, Frankfort, Kentucky 40601, by December 29, 2010.

A public hearing on the application has been scheduled for January 3, 2011 at 9:00 a.m. at the Department for Surface Mining Reclamation and Enforcement's Madisonville Regional Office, 625 Hospital Drive, Madisonville, KY 42431. The hearing will be cancelled if no request for a hearing or informal conference is received by December 29, 2010.

BID

Street, Murray, KY 42071

rtment Re-Bid

department consisting of pre-cast-in-place concrete, open-web framing, painting, electrical, HVAC,

shall be received until 2:00 P.M., December 21, 2010, by Mr. Mark Bryant, at 1111 Street, Marion, KY. Public Bid

on City Hall on December 14, 2010 General Contractors and optional

ducah Blueprint, 999 Broadway, a deposit of \$100.00 is required. If there will be a non-refundable fee to ACE Design Group, LLC.

3rd, Form of Contract, Plans, 1. Performance and Payment may be examined at the Western Kentucky, 2201 McCracken

ed or emailed to 270-759-4421 or a request will not be accepted.

security in the amount of 5% and ns provided in the information for

using time for receipt of bids for a

the ability of the bidder to answer and may request from any necessary to make that bid or to reject any or all bids any Health Department.

Performance and Payment Bond out of 100% of the contract price

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Western Kentucky Railway, LLC gives notice that on or about December 28, 2010, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption pursuant to the provisions of 49 CFR 1152 Subpart F - Exempt Abandonments, permitting the abandonment of all of its remaining lines of railroad which Applicant believes are as follows:

- Between MP 48.0 at Dekoven and MP 62.5 at Blackford;
- Between MP 0.0 at Blackford and MP 3.8 at Pyro Wye and between MP 3.8 and MP 8/5 at Clay;
- Between MP 0.0 at Costain Prep Plant and MP 9/5 at Providence
- Between MP 0.0 at Costain Prep Plant and MP 5.5 at Caney Creek; and
- Wheatcraft loop track

(The intention is to abandon all of Applicant's remaining lines, even if some are inadvertently not included in these line descriptions.) These lines are located in Webster, Union, Caldwell and Crittenden Counties, Kentucky and pass through the cities of Sturgis, Sullivan, Blackford, Wheatcraft, Clay and Providence. They traverse through United States Postal Zip Codes 42459, 42064, 42404 and 42450. The proceeding will be docketed as STB Docket No. AB-449 (Sub. No. 3X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public, and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 or by calling that office at (202) 245-0295. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 (see 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (see 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Eric M. Hocky, Esquire, Thorp Reed & Armstrong, LLP, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103; (215) 640-8500.

NOTARIZED PROOF OF PUBLICATION

STATE OF KENTUCKY

COUNTY OF CALDWELL

Before me, a Notary Public, in and for said County and State, this 8 day of December, 2010, came John S. Hutcheson III, personally known to me, who, being duly sworn, states as follows: That he is publisher of The Times Leader and that said publication of dates Wed Dec 8, 2010 carried the advertising of Shrop Reed & Armstrong
Re: Notice PO105836


John S. Hutcheson III, Publisher


(Notary Public)

My Commission expires: Sept 15, 2011







55-5588

9372)

der.net
s.com
om

THE TIMES LEADER

www.timesleader.net

 Job Network EMPLOYMENT	 BUSINESS SERVICES	 PETS/FARMING	 TRANSPORTATION	 MERCHANDISE	 REAL ESTATE
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2

Call one of our Classified Representatives between 8:00am and 5:00pm Monday through Friday

3

Email or fax your ad to us and one of our Classified Representatives will contact you to complete your order

(270) Loaded \$13,500 (270) 484-2922

Job! Great Bank! MARKETING DIRECTOR

The Bank is seeking an experienced Marketing Director. The Marketing Director will be responsible for the advertising/marketing for the bank. Will create and manage all public relations. Will coordinate Bank marketing efforts. Be responsible for managing Marketing Budget. Coordinate all events and programs for all markets and banks. Ideal candidate must possess excellent written and oral communication skills; demonstrate analytical and quantitative skills; be motivated and self-directed. Competitive salary, great benefits and opportunities for advancement. [kwwithheritage.com](http://www.kwwithheritage.com) Opportunity Employer



TAGEBANK
KWWITHHERITAGE.COM

IC EQUAL HOUSING LENDER

SEQ CHAPTER \h\1 NOTICE OF INTENT TO ABANDON RAIL SERVICE

SEQ CHAPTER \h\1 Western Kentucky Railway, LLC gives notice SEQ CHAPTER \h\1 that on or about December 28, 2010, it intends to file with the Surface Transportation Board, Washington, DC 20423 a SEQ CHAPTER \h\1 notice of exemption pursuant to the provisions of 49 CFR 1152 Subpart F - Exempt Abandonments, permitting the abandonment of all of its remaining lines of railroad which Applicant believes are as follows:

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- Between MP 0.0 at Blackford and MP 3.8 at Pyro Wye and between MP 3.8 and MP 8/5 at Clay;
- Between MP 0.0 at Costain Prep Plant and MP 9/5 at Providence
- Between MP 0.0 at Costain Prep Plant and MP 5/5 at Caney Creek and Wheatcroft loop track

(The intention is to abandon all of Applicant's remaining lines, even if some are inadvertently not included in these line descriptions.) These lines are located in Webster, Union, Caldwell and Crittenden counties, Kentucky, and pass through the cities of Sturgis, Sullivan, Blackford, Wheatcroft, Clay and Providence. They traverse through United States Postal Zip Codes 42459, 42604, 42404 and 42450. The proceeding will be docketed as STB Docket No. AB-449 (Sub. No. 3X). The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA) which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public, and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 395 E. Street, S.W., Washington, DC 20423-0001 or by calling that office at (202) 245-0295.

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EXHIBIT C – 10 DAY NOTICES



Carol D. Lydon
Paralegal
Direct Dial 215 640 8500
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

United States Department of the Army
Military Surface Deployment and Distribution
Command

December 7, 2010

Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

Re: Western Kentucky Railway LLC -- Abandonment -- Webster, Union, Caldwell
and Crittenden Counties, KY
STB Docket No. AB-449 (Sub. No. 3X)

Dear Sir/Madam:

This letter is being sent to you pursuant to the requirements of 49 C.F.R. §1152.50(d), to advise you that the Western Kentucky Railway LLC ("WKRL") plans to seek authorization from the Surface Transportation Board ("STB") for its proposed abandonment of the lines of railroad described below, by filing a notice of exemption under 49 CFR 1152.50 et seq. WKRL expects to file the petition for exemption with the STB on or about December 28, 2010, under STB Docket No. AB-449 (Sub. No. 3X).

WKRL will be seeking an exemption to discontinue service on the following lines:

- Between MP 48.0 at Dekoven and MP 62.5 at Blackford;
- Between MP 0.0 at Blackford and MP 3.8 at Pyro Wye and between MP 3.8 and MP 8.5 at Clay;
- Between MP 0.0 at Costain Prep Plant and MP 9.5 at Providence
- Between MP 0.0 at Costain Prep Plant and MP 5.5 at Cancy Creek; and
- Wheatcraft loop track

(The intention is to abandon all of WKRL's remaining lines, even if some are inadvertently not included in these line descriptions.) These lines are located in Webster, Union, Caldwell and Crittenden Counties, Kentucky, and pass through the cities of Sturgis, Sullivan, Blackford, Wheatcraft, Clay and Providence. They

Pittsburg

Philadelphia

Princeton

Wheeling

Thorpe Reed & Armstrong, LLP
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103-7041
215 640 8500
215 640 8501 Fax



Department of the Army
Page 2

December 7, 2010

traverse through United States Postal Zip Codes 42459, 42604, 42404 and 42450. Maps of the lines are enclosed with this letter.

WKRL proposes to abandon the subject lines which it acquired in 1995. In 2005, Genesee & Wyoming Inc. ("GWI") acquired indirect control of WKRL. See *Genesee & Wyoming Inc., RP Acquisition Company One and RP Acquisition Company Two-Control Exemption-Rail Partners, L.P., AN Railway, et al., Atlantic & Western Railway, et al., and KWT Railway, Inc.*, STB Finance Docket No. 34708 (served June 24, 2005). At that time, WKRL was not providing any freight service, and there has been no freight service on the lines since the new management took over in 2005. At the time new management took over, some of the track had been removed. Since that time, other track has been scavenged without permission of the WKRL. WKRL does not believe that continued freight service is a realistic alternative. WKRL intends to remove and sell the remaining track and believes that some or all of its right of way could be used for trail and other public purposes.

WKRL understands that the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,

Carol D. Lydon

cc: Hoffman Lijeron, WKRL
Eric M. Hocky, Esquire



Carol D. Lydon
Paralegal
Direct Dial 215 640 8500
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

Kentucky Transportation Cabinet,
Rail Division
200 Mero Street
Frankfort, KY 40622

December 7, 2010

Re: Western Kentucky Railway LLC -- Abandonment -- Webster, Union, Caldwell
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One Commerce Square
2005 Market Street
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Philadelphia, PA 19103-7041
215 640 8500
215 640 8501 Fax

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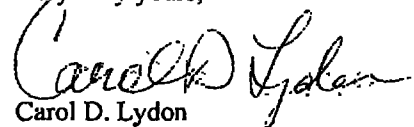
Kentucky Transportation Cabinet,
Rail Division
Page 2

December 7, 2010

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Very truly yours,


Carol D. Lydon

cc: Hoffman Lijeron, WKRL
Eric M. Hocky, Esquire



Carol D. Lydon
Paralegal
Direct Dial 215 640 8500
Email: clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-003

December 7, 2010

Re: Western Kentucky Railway LLC -- Abandonment - Webster, Union, Caldwell
and Crittenden Counties, KY
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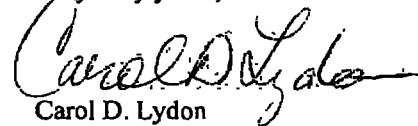
Office of Chief of Forest Service
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December 7, 2010

WKRL proposes to abandon the subject lines which it acquired in 1995. In 2005, Genesee & Wyoming Inc. ("GWI") acquired indirect control of WKRL. See *Genesee & Wyoming Inc., RP Acquisition Company One and RP Acquisition Company Two—Control Exemption—Rail Partners, L.P., AN Railway, et al., Atlantic & Western Railway, et al., and KWT Railway, Inc.*, STB Finance Docket No. 34708 (served June 24, 2005). At that time, WKRL was not providing any freight service, and there has been no freight service on the lines since the new management took over in 2005. At the time new management took over, some of the track had been removed. Since that time, other track has been scavenged without permission of the WKRL. WKRL does not believe that continued freight service is a realistic alternative. WKRL intends to remove and sell the remaining track and believes that some or all of its right of way could be used for trail and other public purposes.

WKRL understands that the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Carol D. Lydon

cc: Hoffman Lijeron, WKRL
Eric M. Hocky, Esquire



Carol D. Lydon
Paralegal
Direct Dial 215 640 8500
Email: clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

U.S. Department of the Interior -
National Park Service
RTCA Program (Org code 2240)
1849 C Street, NW
Washington, DC 20240

December 7, 2010

Re: Western Kentucky Railway LLC -- Abandonment -- Webster, Union, Caldwell
and Crittenden Counties, KY
STB Docket No. AB-449 (Sub. No. 3X)

Dear Sir/Madam:

This letter is being sent to you pursuant to the requirements of 49 C.F.R. §1152.50(d), to advise you that the Western Kentucky Railway LLC ("WKRL") plans to seek authorization from the Surface Transportation Board ("STB") for its proposed abandonment of the lines of railroad described below, by filing a notice of exemption under 49 CFR 1152.50 et seq. WKRL expects to file the petition for exemption with the STB on or about December 28, 2010, under STB Docket No. AB-449 (Sub. No. 3X).

WKRL will be seeking an exemption to discontinue service on the following lines:

Pittsburgh

Philadelphia

Princeton

Wheeling

- Between MP 48.0 at Dekoven and MP 62.5 at Blackford;
- Between MP 0.0 at Blackford and MP 3.8 at Pyro Wye and between MP 3.8 and MP 8.5 at Clay;
- Between MP 0.0 at Costain Prep Plant and MP 9.5 at Providence
- Between MP 0.0. at Costain Prep Plant and MP 5.5 at Caney Creek; and
- Wheatcraft loop track

Thorp Reed & Armstrong, LLP
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103-7041
215 640 8500
215 640 8501 Fax

(The intention is to abandon all of WKRL's remaining lines, even if some are inadvertently not included in these line descriptions.) These lines are located in Webster, Union, Caldwell and Crittenden Counties, Kentucky, and pass through the cities of Sturgis, Sullivan, Blackford, Wheatcroft, Clay and Providence. They traverse through United States Postal Zip Codes 42459, 42604, 42404 and 42450. Maps of the lines are enclosed with this letter.

[P0109877]



U.S. Department of the Interior -
National Park Service
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December 7, 2010

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WKRL understands that the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,

Carol D. Lydon

cc: Hoffman Lijeron, WKRL
Eric M. Hocky, Esquire

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Notice of Exempt Abandonment was served on the following persons shown on the attached list by first class mail, postage prepaid.



ERIC M. HOCKY

Dated: December 28, 2010

Kentucky Energy and
Environmental Cabinet
Department for Environmental
Protection
300 Fair Oaks Lane
Frankfort, KY 40601

U.S. Fish and Wildlife Service
Southeast Division
Sam Hamilton, Regional Director
1875 Century Blvd., Suite 400
Atlanta, GA 30345

Commonwealth of Kentucky
Department for Environmental Protection
Owensboro Regional Office
3032 Alvey Park Drive West, Suite 700
Owensboro, KY 42303-2191

Kentucky Department of Fish and
Wildlife Resources
#1 Sportsman's Lane
Frankfort, KY 40601

Commonwealth of Kentucky
Department of Environmental Protection
Paducah Regional Office
130 Eagle Nest Drive
Paducah, KY 42003-9435

U.S. Army Engineer District,
Louisville
Attn: Public Affairs Office
P.O. Box 59
Louisville, KY 40201-0059

Commonwealth of Kentucky
Department for Natural Resources
#2 Hudson Hollow
Frankfort, KY 40601

US Army Engineer Division, Great
Lakes and Ohio River, CELRD
Attn: Public Affairs Office
550 Main Street, Room 10032
Cincinnati, OH 45202-3222

Stephen M. Arnett, Master Commissioner
Union County
P.O. Box 419
Morganfield, KY 42437

David Vela, Regional Director
National Park Service, Southeast
Region
100 Alabama St. SW
1924 Building
Atlanta, GA 30303

Joel C. Rich, Master Commissioner
Webster County
P.O. Box 248
Dixon, KY 42409

Dick Coombe, Regional Asst. Chief,
East
Natural Resources Conservation
Service
USDA, NRCS
14th and Independence Ave., SW,
Room 6101-A
Washington, DC 20250

Alan Stout, Master Commissioner
Crittenden County
111 W. Bellville Street
Marion, KY 42064

Kentucky Natural Resources
Conservation Service
771 Corporate Drive, Suite 210
Lexington, Kentucky 40503

Jill Giordano, Master Commissioner
P.O. Box 128
Princeton, KY 42445

United States Environmental Protection
Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Natural Resources Conservation Service
Webster County
Dixon Service Center
555 State Road 1340
Dixon, KY 42409-9401

Natural Resources Conservation Service
Crittenden County
Mayfield Service Center
1000 Commonwealth Dr.
Mayfield, KY 42066

Kentucky Transportation Cabinet,
Rail Division
200 Mero Street
Frankfort, KY 40622

United States Department of the Army
Military Surface Deployment and
Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National
Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

Natural Resources Conservation
Service
Union County
Morganfield Service Center
717 U.S. Highway 60E
Morganfield, KY 42437

Ms. Donna Neary, SHPO & Executive
Director
Kentucky Heritage Council
300 Washington Street
Frankfort, KY 40601

Natural Resources Conservation
Service
Caldwell County
Princeton Service Center
501 Park Way Drive
Princeton, KY 42445

Mr. Richard A. Snay
Chief, Spatial Reference System
Division
United States Department of
Commerce
NOAA, N/NGS2
SSMC3, Room 8828
1315 East-West Highway
Silver Spring, MD 20910

Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-003

U.S. Department of the Interior -
National Park Service
RTCA Program (Org code 2240)
1849 C Street, NW
Washington, DC 20240